

REMARKS

Claims 1-41 are pending in this application. Claims 11-18 and 30-39 have been finally withdrawn from consideration. Applicant has proposed to amend the claims as indicated above for the reasons described herein. Applicant respectfully requests entry of the proposed amendment because: the claims, as amended, avoids the rejections set forth in the last Office action, and thus the amendment places the case in condition for allowance or in better condition for appeal; the claims, as amended, do not raise the issue of new matter; the claims as amended do not present new issues requiring further consideration or search (these issues have been present since the first Office Action).

Restriction Requirement

The Office has maintained the finality of the restriction requirement for the reasons noted on page 2 of the Office Action.

Applicant, however, wishes to correct a misquotation contained on page 2. The Office states that "Applicant has also agreed with the examiner that the distinct independency of the inventions in Paper No. 3." In Paper No. 3, Applicant did not so agree. Applicant simply did not "traverse the Office's classification of the groups of inventions as distinct, merely the Office's reasoning because the Office has not satisfied the criteria for establishing a proper restriction requirement." *See Paper No. 3, p. 2.* Such a statement is not the same as agreeing to the "distinct independency of the inventions."

The Pending Objection and Rejection

The Office has objected to the drawings for the reasons set forth on page 3 of the Office Action. The Office has also rejected claims 1-10, 19-29, and 40-41 under 35 U.S.C. § 112, ¶ 1 as containing non-enabled subject matter for the reasons listed on page 3 of the Office Action. Applicant respectfully traverses both this objection to the drawings and this enablement rejection.

Both the objection to the drawings and the rejection of the pending claims appear to be the proverbial “two sides of the same coin.” On page 3 of the Office Action, the Office takes the position that the drawings do not show—and the specification does not enable—a field transistor that does not contain a gate insulating layer. Viewing Figure 2, the Office argues that layer 170 is an insulating layer and, as known in the art, since it is located above a channel, between a source and drain, and is directly below a gate, layer 170 must therefore be a gate insulating layer.

The Office’s argument, however, fails to consider an important principle of how terms in a claim are to be analyzed. In analyzing claims, the terms in the claims must be read in light of what the specification would have conveyed to one with ordinary skill in the art.

In the specification of the present application, there is a clear indication of what the skilled artisan would have understood these claim terms to mean.

When discussing the prior art device depicted in Figure 1, the specification referred to a field oxide layer 17 and a gate insulating layer 19. *See Specification*, ¶¶ 05-06, 08. Thus, when looking at the prior art device indicated in Figure 1, the skilled artisan would have understood that the “thin” layer 19 between the gate conductor layer 18 and the source region 14 (as well as between the gate conductor layer 18 and the drain region 15) was a gate insulating layer (for clarification, the gate insulating layer 19 is highlighted in yellow in Figure 1, attached as Exhibit

A). Likewise, the skilled artisan would have understood that the “thick” layer 17 was a field oxide layer (for clarification, the field oxide layer is highlighted in pink in Exhibit A).

Figure 2 depicts one device of the present invention. When discussing Figure 2, the specification refers to layer 170 as a field oxide layer (for clarification, the field oxide layer 170 is highlighted in pink in Figure 2, attached as Exhibit B). *See Specification*, ¶ 30-31. A quick comparison of Figure 1 and 2 illustrates to the skilled artisan the differences (and similarities) between the device of the prior art (Figure 1) and one device of the present invention (Figure 2). One of the similarities is the existence of a field oxide layer (17 in Figure 1; 170 in Figure 2). One of the differences is the presence of a thin gate insulating layer 19 in Figure 1 and the absence of a corresponding layer in Figure 2.

Thus, in reading the specification and looking at Figures 1 and 2, the skilled artisan would have been lead to one conclusion: the field transistors of the invention (unlike the prior art) do not contain a gate insulating layer, but do contain a field oxide layer. Such a conclusion is explicitly confirmed near the end of paragraph 11 and the first sentence of paragraph 33 of the present specification. In these two paragraphs, the specification merely refers to a “thin” gate insulating layer for comparison purposes against the “thick” field oxide layer. *See Specification*, ¶ 08.

Following the Office’s arguments detailed in the Office Action to their logical conclusion, however, would lead the skilled artisan to conclude that the layer 170 in Figure 2 is a gate insulating layer. Yet the specification explicitly and repeatedly refers to layer 170 as a field oxide layer. Thus, the Office’s argument would have the skilled artisan completely ignore the specification of the present application.

Despite the above arguments, Applicant has opted to amend the claims as indicated above solely in an effort to expedite prosecution. It appears from paragraph 2 of the Office Action that the Office believes that a thick gate insulator is shown in Figure 2 and, therefore, that Figure 2 does depict a field transistor not having a thin gate insulating layer. To that end, Applicant has amended the claims as indicated above.

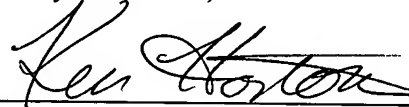
Accordingly, Applicant respectfully requests withdrawal of this objection to the drawings and rejection of the claims.

CONCLUSION

For the above reasons, as well as those of record, Applicant respectfully requests the Office to enter the proposed Amendment, withdraw the pending grounds of rejection, and allow the pending claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

By 
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